

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2
CHAPTER 6.5, AMEND ARTICLE 9, SECTION 1293

WHEELCHAIR SCHOOL BUSES (CHP-R-06-17)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to requirements for wheelchair school buses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 2402 of the California Vehicle Code (VC) authorizes the CHP to adopt and enforce rules and regulations necessary to carry out its duties. Section 34501.5 VC authorizes the department to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of vehicles described in Sections 38045 and 82321 of the Education Code and Sections 545 and 34500 VC.

The CHP adopted standards for wheelchair school buses, in approximately 1979. These standards are contained in Section 1293, Title 13, California Code of Regulations (13 CCR).

The CHP now proposes to amend Section 1293, with the purpose of harmonizing California regulation with federal regulation as required by the Motor Vehicle Safety Act, Chapter 301, Title 49, United States Code (49 USCS §§ 30101 et seq.). In addition, language has been added that will allow a school bus owner to modify the seating configuration if done in accordance with the regulation.

Federal Motor Vehicle Safety Standards (FMVSS), Sections 571.217 and 571.222 in effect October 1, 2005, are incorporated by reference.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Mr. Mike Chaffee
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, February 11, 2008.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the address provided, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Mike Chaffee or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Mike Chaffee.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district, nor costs or savings to any state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action will harmonize CHP regulation with Federal regulations and will not create any new fiscal requirements.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 24011 and 34501.1 VC.

REFERENCE

This action implements, interprets, or makes specific Sections 2402, 24011 and 34501.1 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
S. J. VAUGHN, Chief
Enforcement Services Division